

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BRENDAN JAMES NASBY,

V.

Plaintiff,

3:20-cv-00231-RFB-CSD

STATE OF NEVADA, et al.,

Defendants.

ORDER

Before the court is Plaintiff's Notice to the Court (ECF No. 43). Plaintiff states Defendants have not complied with the court's order (ECF No. 41), and despite Plaintiff's attempts to contact Deputy Attorney General Nelson, there has been no communication between the parties.

On September 26, 2022, the court issued an order allowing Plaintiff's First Amended Complaint to proceed with the Fourteenth Amendment Due Process claim in Claim 1 against Defendants Kenneth Triggs, B. Gutierrez, David Tristan, E.K. McDaniel, Renee Baker, Rusty Donnelly, Jackie Crawford, Tara Carpenter, James Dzurenda and Unknown Defendants A, B, and C (once Plaintiff identifies them) and the Eighth Amendment excessive fines claim in Claim 2 against Kenneth Triggs, B. Gutierrez, Rusty Donnelly, E.K. McDaniel, David Tristan, and Tara Carpenter.

The court's order instructed the Attorney General's Office to:

Within **14 days** of the date of this Order, the Attorney General's Office shall file a notice advising the court and Plaintiff of: (a) the names of the defendants for whom it accepts service and (b) the names of the defendants for whom it does not accept service. For those defendants for whom it does not accept service, the Attorney General's Office shall file the last known addresses under seal, but shall not serve the inmate Plaintiff with the last known

1 addresses. If the last known address is a post office box, the Attorney
2 General's Office shall attempt to locate and provide the last known physical
3 address.

4 If the Attorney General accepts serve of process for any of the named
5 defendants, they shall file an answer or other response to the complaint within
6 **21 days** of the date of this Order.

7 (ECF No. 41 at 1, 2.)

8 As of today's date, the Attorney General's Office has not complied with the court's order dated
9 September 26, 2022 (ECF No. 41).

10 **IT IS HEREBY ORDERED** that on or before **Wednesday, October 26, 2022**, the Attorney
11 General's Office shall file a notice advising the court and Plaintiff of: (a) the names of the Defendants
12 for whom it accepts service and (b) the names of the Defendants for whom it does not accept service.
13 For those defendants for whom it does not accept service, the Attorney General's Office shall file the
14 last known addresses under seal but shall not serve the inmate Plaintiff with the last known addresses.

15 **IT IS FURTHER ORDERED** that a telephonic status conference is scheduled on **Monday,**
16 **October 31, 2022, at 1:00 p.m.** The Attorney General's Office shall arrange for the Plaintiff to be
17 present by telephone and shall contact the courtroom administrator, Karen Walker, at (775) 686-5918
18 or Karen_Walker@nvd.uscourts.gov, prior to the hearing to advise her of the number where Plaintiff
19 may be reached.

20 Counsel is directed to dial **1-888-557-8511**, enter the access code **3599743**, and enter the
21 security code **103122**, approximately five (5) minutes prior to the hearing. The use of speaker phones
22 and cell phones are prohibited by counsel.

23 DATED: October 19, 2022.

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UNITED STATES MAGISTRATE JUDGE